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REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 1st March, 2014

S.R.O. No. 225/2014— The following draft of certain rules, further to amend the Odisha Government Land Settlement Rules, 1983 which the State Government propose to make in exercise of the powers conferred by Section 8- A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962) , is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of thirty days from the date of publication of this Notification in the *Odisha Gazette*.

Any objection or suggestion which may be received from any person with respect to the said draft before expiry of the period so specified will be taken into consideration by the State Government.

DRAFT

1. (1) These rules may be called the Odisha Government Land Settlement (Amendment) Rules, 2014.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Odisha Government Land Settlement Rules, 1983, (hereinafter referred to as the said rules), after rule 5-B, following rule shall be inserted, namely :—

“5-BB- Settlement of Khasmahal, Nazul, Gramakantha Paramboke and Abadi land for the purposes other than homestead and agriculture—

Notwithstanding anything contained in rules 3,5,5-A, 8,11,12,13, settlement of Khasmahal and Nazul land leased out, and Gramakantha Paramboke and Abadi land occupied, for a continuous period of three years prior to the 26th day of February, 2009 and used for the purposes other than homestead and agriculture shall be made in the manner prescribed in Schedule V- A”.

3. In the said rules, after Schedule V, the following Schedule shall be inserted, namely:—

Schedule V- A

(See rule 5-BB)

Manner for settlement of Gramakantha Paramboke, Abadi, Khasmahal and Nazul Lands for the purposes other than homestead and agriculture.

1. Persons eligible for settlement:

(a) A person who is in possession of Gramakantha Paramboke or Abadi land in accordance with any customary right or usage or has acquired possession of such land by way of transfer, through a registered deed of conveyance, from a person who was in lawful possession of such land in accordance with any customary right or usage; and

(b) a person who is in possession of Khasmahal or Nazul land on the basis of lease granted by the Government, whether renewed or expired, or a registered sub-lease including subsequent sub-lease granted by the lessee or the sub-lessee, as the case may be, or by way of transfer of such land, through a registered deed of conveyance, from a lessee, sub-lessee or subsequent sub-lessee, shall be eligible for settlement of land in his favour:

Provided that—

- (i) the person, including his lawful predecessor-in-interest, was in possession of such land for a period of at least three years prior to the appointed date, i.e., the 26th February, 2009 and submits a valid application for such settlement within a period of six months from the date of publication of the Odisha Government Land Settlement (Amendment) Rules, 2014 or within such further period as may be appointed by a notification published in the official gazette, from time to time; and
- (ii) the land has been used for the purpose other than homestead or agriculture.

2. Submission of Application : Eligible persons shall submit application, in writing, in Form II along with attested true copies of all documents, if any, in support of their claim to the Tahasildar concerned in whose area of jurisdiction the land is situated.

3. Procedure on receipt of application:

(i) The Tahasildar shall initiate a case record on an application made in Form II by the occupant of such land and make a detailed enquiry as regards possession of such land, eligibility of the applicant, purpose for which land is being used, actual extent of land under possession of the applicant and such other aspects as may be necessary for considering the claim for settlement of such land.

(ii) On the basis of such enquiry the Tahasildar shall prepare necessary map with plotting of land under possession and shall publish proclamation inviting objection for settlement of the land with the applicant(s) in the manner provided in sub-rule (5) of rule 5 giving thirty days' time to file objections.

(iii) Where the objection has been received within the period specified in sub-clause (ii) of this clause the Tahasildar shall dispose of the same after notice to the concerned parties giving an opportunity of being heard to all such parties. The responsibility for adducing evidence in support of the claim shall lie with the applicant. In all the cases, including the cases where the name of the applicant has already been recorded in the present settlement record in "Gharabari" or "Pattadar" status, it shall be ascertained by verification that the land was recorded in the Sabik record as Gramakantha Paramboke or Abadi or Nazul or Khasmahal land, as the case may be, before the settlement is made. In cases, where sabik records are not available, the Tahasildar shall certify that the Sabik records are not available and shall proceed with settlement on the basis of Hal Records, if otherwise found eligible.

(iv) The Tahasildar shall, after conducting field verification and verification of records, submit the case records to the Sub-Collector with his recommendations.

(v) While submitting the case record, all proposals of that particular village shall have to be processed together, as far as possible, taking the village as one unit. While sending proposals to the Sub-Collector, the Tahasildar shall also append a certificate in the case record to the effect that he has verified both Sabik and Hal Record of Rights and has found that the subject land qualifies for action under the Act and the rules made thereunder.

(vi) The Sub-Collector shall, as per delegation of powers, either dispose of the case or submit the case records to the Collector for settlement, as the case may be.

4. Purpose for which land may be settled:

(a) Land shall be settled on permanent basis for the purpose for which the land is being utilized provided that no land will be settled for homestead or agricultural purpose under this Schedule. The land so settled will be heritable and transferable.

(b) Land used or essentially required for community purpose such as, but not limited to, roads, playground, public places of worship, Government institutional buildings shall not be settled under this Schedule and shall be recorded in 'rakhit' khata as such or, as the case may be, in the name of the Government department concerned.

5. Powers to settle land:

(a) The settlement of land under this Schedule shall be made by the Sub-Collector where the land is used for a purpose other than homestead or agriculture and the total extent of such land with the applicant does not exceed ten decimals (one-tenth of an acre) in rural area or up to four decimals (one-twenty- fifth of an acre) in urban area.

(b) Prior approval of Collector shall be obtained by the Sub-Collector for the settlement of land under this Schedule if the extent of land exceeds the area mentioned in sub-clause (a) of this clause or where the land is to be settled in favour of charitable and 'not for profit' organization.

(c) The settlement of land under this Schedule shall be made on payment of salami and rent.

(d) The Addl. District Magistrate (Revenue) shall verify at least ten per centum of the cases and Collectors shall verify at least five per centum of the cases proposed to be settled by the Sub-Collectors, to be selected on a random basis. Revenue Divisional Commissioners shall verify two per centum of the cases approved by the Collectors.

6. Payment of amount and arrear ground rent and cess:

(a) Amount at the following rates shall be payable as Salami for settlement of land under this Schedule, namely:—

- (i) Ten per centum of the market value of the land as per the guidelines prescribed under the Odisha Stamp Rules, 1952, if the land is to be settled in favour of a charitable and “not-for-profit” organization for the purposes of running Odia medium school, charitable dispensary, orphanage, and old age home etc.;
- (ii) Twenty per centum of the market value of the land as per the guidelines prescribed under the Odisha Stamp Rules, 1952, for purposes other than those in item (i):

Provided that no Salami will be payable by the applicant if the land is Khasmahal or Nazul land and the applicant—

- (i) is a lessee in favour of whom such land has been validly leased out by the competent authority for the purpose for which the land is presently being used and is proposed to be settled; or
- (ii) is a legal heir of a lessee mentioned in item (i) and has obtained the land through succession or a legally valid family partition; or
- (iii) has purchased the land from the lessee with prior permission of the competent authority and is using it for the purpose for which original lease was granted.

(b) The unpaid arrear rent, if any, shall also be recovered from the applicant in case of Khasmahal and Nazul land before settlement of such land in favour of an applicant.

(c) The applicants shall also be liable to pay annual land revenue at the rate of one per centum of the market value of such land as per the guidelines prescribed under the Odisha Stamp Rules, 1952.

(d) In case the land is being used partially for homestead and partially for the purposes other than homestead, the provisions of sub- clause (e) of clause 6 of Schedule V shall be applicable to determine the amount payable for settlement of land under this Schedule.

(e) Lands used for agricultural purpose and vacant plots of land will not be settled under this rule even if such land has been validly leased out as Khasmahal or Nazul to the lessee. In such cases, steps will be taken to determine the lease for violation of terms and conditions of lease.

(f) For the purpose of this Schedule, one decimal area is an area equal to one-hundredth of an acre.

7. Miscellaneous provisions:

(a) Applications, if any, received before the coming into force of the Odisha Government Land Settlement (Amendment) Rules, 2014 for settlement of Gramakantha Paramboke, Abadi, Khasmahal or Nazul lands shall be deemed to be applications received under the provisions of this Schedule and shall be disposed of in accordance with the provisions of this Schedule notwithstanding the fact that the applications have not been made in Form II.

(b) Government shall have powers to issue executive instructions not inconsistent with the provisions of this Schedule to the authorities entrusted with the responsibility for settlement of land under this Schedule.

[No.6733-GE(GL)-S-11/2014/R& D.M.]

By Order of the Governor

TARA DATT

Additional Chief Secretary to Government

FORM II

(See clause-2)

Application for Settlement of Gramakantha
Paramboke, Abadi, Nazul and Khasmahal Land

(See Schedule V- A)

To

The Tahasildar,

.....

1. Name of the applicant :
2. Age :
3. Father's name :
4. Present residential Address :
5. Permanent Home Address :
6. Caste (S.T/S.C./O.B.C/Others) :
7. Particulars of the land applied for
 - (i) Village/Urban area :
 - (ii) Mouza :
 - (iii) Khatian No. :
 - (iv) Plot No. :
 - (v) Boundary(East/West/North/South) :
8. Extent of land in possession of the applicant : Acre..... decimal.....
9. Purpose for which land is utilized :
10. Type of land :
(Gramakantha Paramboke/ Abadi/
Khasmahal/Nazul, please specify)
11. Year from which the applicant is in possession
of land :
12. Whether inherited/obtained on lease or
sub-lease / purchased :
13. List of documents in support of possession,
if any :
(Lease/sub-lease/sale deed/copy of RoR/
Any other, please specify)

Signature of the Applicant